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8 **UNITED STATES DISTRICT COURT**
9 **EASTERN DISTRICT OF CALIFORNIA**

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11 THERESA BROOKE,

12 Plaintiff,

13 v.

14 BRE SELECT HOTELS PROPERTIES LLC,

15 Defendant.

16 Case No.: 1:20-cv-00105 NONE JLT

17 ORDER TO THE PLAINTIFF TO SHOW CASE
18 WHY SANCTIONS SHOULD NOT BE IMPOSED
19 FOR FAILURE TO PROSECUTE THIS ACTION
20 AND TO COMPLY WITH COURT ORDERS

21 On January 21, 2019, the plaintiff initiated this action related to alleged violations of the
22 Americans with Disabilities Act and other claims. (Doc. 1) The Court issued the summons the same
23 day (Doc. 2) and its order setting the mandatory scheduling conference to occur on April 15, 2020
24 (Doc. 3). The order reads,

25 The Court is unable to conduct a scheduling conference until defendants have been
26 served with the summons and complaint. Accordingly, plaintiff(s) shall diligently
27 pursue service of summons and complaint and dismiss those defendants against whom
plaintiff(s) will not pursue claims. Plaintiff(s) shall promptly file proofs of service of
the summons and complaint so the Court has a record of service. Counsel are referred
to F.R.Civ.P., Rule 4 regarding the requirement of timely service of the complaint.
Failure to timely serve the summons and complaint may result in the imposition of
sanctions, including the dismissal of unserved defendants.

28 (Doc. 3 at 1) Nevertheless, the plaintiff has failed to file proofs of service and the defendant has not
appeared. Therefore, the Court ORDERS,

29 1. **No later than April 3, 2020**, the plaintiff **SHALL** show cause why sanctions, up to
and including dismissal should not be imposed for the failure to prosecute this action and comply with

1 the Court's orders. Alternatively, he may file proof of service.

2 The plaintiff is advised that the failure to comply will result in sanctions as set forth above.

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4 IT IS SO ORDERED.

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Dated: March 25, 2020

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/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE

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